

DISCIPLINARY POLICY

1. Definition

Where SeVA has concerns about the conduct or quality of work of an individual employee or volunteer they will apply this Disciplinary Policy.

Examples of types of conduct which may result in disciplinary action include but are not limited to:

- Unsatisfactory work (capability) or conduct
- Breach the rules contained in their terms and conditions of employment and or volunteer agreement
- Discrimination, harassment or victimisation, either of staff or of service users, which falls short of gross misconduct
- Bringing organisation into disrepute
- Misuse of SeVA's facilities including computer
- Poor timekeeping
- Unauthorised absences
- Breaches of health and safety rules
- Breach of Data Protection Policy

Examples of types of conduct which may constitute gross misconduct include but are not limited to:

- Theft, fraud, deliberate falsification of records
- Fighting or assault on another person
- Deliberate damage to organisational property
- Serious incapability through alcohol or being under the influence of illegal drugs
- Serious negligence which causes unacceptable loss, damage or injury
- Serious act of insubordination
- Unauthorised entry to computer records.

2. Key aims

SeVA's aim is to encourage all employees/volunteers to maintain high standards in individual conduct and work as a member of SeVA. This Policy sets out the approach that SeVA will take in response to cases of alleged misconduct and poor work performance. This Policy applies to employees and volunteers of SeVA.

Throughout the aim is to support the employee/volunteer and work with them to improve their conduct or performance whenever possible, with the exception of cases of gross misconduct where it is felt that it is inappropriate for the employee or volunteer to continue their work with SeVA.

3. Key principles

- 2.1 When applying this Policy SeVA is committed to ensuring that:
- a. No disciplinary action will be taken until the matter has been fully investigated
 - b. A full and thorough investigation is carried out with facts being established quickly, and equal weight being applied to the evidence available
 - c. All complaints are dealt with consistently and fairly
 - d. Confidentiality will be respected at all stages as far as is practically possible
 - e. That whenever disciplinary action is being considered the employee will be informed in advance.
 - f. The employee/volunteer will be fully advised of the nature of the complaint against them
 - g. The employee/volunteer will be given adequate notice of any investigatory meetings
 - h. The employee/volunteer will have the right to be accompanied at the meeting
 - i. No disciplinary sanction will be taken against an employee until they have been given an opportunity to state their case at a disciplinary hearing.
 - j. Where an employee/trustee has a recognised disability, appropriate reasonable adjustments will be made to the procedures. This might involve, for instance, allowing a reader or sign language interpreter to attend, or giving assistance with written submissions.
- 2.2 The SeVA Board of Trustees reserves the right to involve individuals from outside the organisation to assist with investigation. Any such third parties will agree to be bound to respect confidentiality.

4. Volunteers

- 3.1 Volunteers who are the subject of complaints will be entitled to the matter being investigated as per the procedures applied to staff.
- 3.2 In the event of complaints being upheld, sanctions will be applied as appropriate. These may differ from the sanctions applied to staff, but will be proportionate and designed to improve any concerns about conduct or performance as appropriate
- 3.2 Where a complaint is raised against a volunteer who is a trainee counsellor the matter will be referred to the volunteer's training body. The matter will be dealt with jointly by the training body and SeVA.

5. Monitoring and Review

- 4.1 This policy will be subject to an annual 'healthcheck review' to ensure that it complies with statutory and regulatory requirements and is working in practice. If the 'healthcheck' identifies an issue then the policy will be subject to full review.
- 4.2 This policy will be subject to full review at least once every three years
- 4.3 The operation of this policy will be monitored by the Board of Trustees through:
- Quarterly report on number of disciplinary investigations undertaken, and the outcomes of those investigations and the actions taken
 - Review of the profile of employees and volunteers who have undergone the investigatory and disciplinary process
 - Review of actions taken as a result of disciplinary action

6. Related guidance, policy and procedures:

- a. Disciplinary procedures
- b. Written Statement of Employment particulars
- c. Equality and Diversity Policy
- d. Capability policy
- e. Absence management policy
- f. Performance management policy
- g. Data Protection Policy

Further Guidance for handing disciplinary procedures

Acas publications:

- 1) Self help guide: Producing Disciplinary and Grievance Procedures
www.acas.org.uk: follow links to Our Publications and Self help guides
- 2) Advisory handbook: Discipline and Grievances at Work
www.acas.org.uk: follow links to Our Publications and Advisory handbooks.
- 3) Code of Practice on Disciplinary and Grievance Procedures
follow links to Our Publications and Codes of Practice.

<http://www.acas.org.uk/index.aspx?articleid=2174>

The first section, up to page 20, is especially helpful.